

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 26, 2002, Work Session**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Proposed Code Amendment to Allow the Temporary Banning of Fireworks**

RECOMMENDATION: Schedule for a regular session of Council consideration of a proposed amendment to the City Code to allow for the temporary banning of fireworks sales or use.

SUMMARY: During the summer drought there were concerns that the use of fireworks could increase the possibility of fires that would be likely to spread quickly due to dry conditions. A number of communities issued temporary bans on the sale or use of fireworks. The city Attorney has opined that there is currently no authority in the City Code to allow for the enactment of a temporary ban. The attached proposed code amendment would grant that authority.

PRIOR ACTION(S): None

FISCAL IMPACT: N/A

CONTACT(S): Fire Marshal Doug Dejarnette

ATTACHMENT(S): Proposed ordinance

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED, 19-45, RELATING TO THE BAN OF THE SALE, DISPLAY AND USE OF FIREWORKS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG.

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 19-45 as follows:

Sec. 19-45. Ban of sale, display and use of fireworks.

(a) The city manager, or deputy city manager in the absence of the city manager, when requested by the fire marshal, is authorized to issue a ban on the sale, display, or use of all fireworks as defined by paragraph (b). A public announcement shall be made in order to issue the ban. The ban shall become effective at the time that shall be stated in the announcement. The ban shall remain in effect until a second public announcement is made rescinding the ban.

(b) The term "fireworks" shall mean any combustible or explosive composition, and any substance or combination of substances and articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation. The term "fireworks" shall not include automobile flares or other flares when used for an emergency situation, paper caps containing not more than an average of 0.25 grain (16 mg) of explosive content per cap, and toy pistols, toy canes, toy guns and other devices utilizing such caps.

(c) During the time the ban of fireworks is effective, it shall be unlawful for any person, firm or corporation to sell, offer for sale, expose for sale, or to buy, use, ignite or explode any fireworks. Any person, firm or corporation who violates any provision of this section shall be deemed guilty of a class 1 misdemeanor.

(d) Any public fireworks display which is being conducted under a permit issued by the fire marshals office and meeting the requirements as set forth in the 2000 edition of NFPA 1123, the National Fire Protection Association, Code for Fireworks Display, shall be otherwise exempt from the provisions of this section.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

242L